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Filing date: **01/01/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91212361
Party	Defendant Sir Killian Mathew Wells
Correspondence Address	SIR KILLIAN MATHEW WELLS 15401 KESWICK ST VAN NUYS, CA 91406 2009 UNITED STATES pr@infernorecords.com
Submission	Answer
Filer's Name	Sir Killian Mathew Wells
Filer's e-mail	pr@infernorecords.com
Signature	/Sir Killian Mathew Wells/
Date	01/01/2014
Attachments	LUSH Amended Answer.pdf(116030 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Cosmetic Warriors Limited,	)	
	)	
Opposer,	)	Opposition No. 91212361
	)	
v.	)	Serial No. 85/887,393
	)	Mark: <b>LUSH</b>
Sir Killian Mathew Wells,	)	
	)	
Applicant,	)	
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Commissioner for Trademarks  
Trademark Trial and Appeal Board  
PO Box 1451  
Alexandria, VA 22313-1451

**ANSWER TO AMENDED NOTICE OF OPPOSITION**

Sir Killian Mathew Wells (“Applicant”), an individual, having a principal place of business at 15401 Keswick St, Van Nuys, CA 91406, responds to the Notice Of Opposition as follows:

1. Admitted.
2. Admitted.
3. Applicant admits that Cosmetic Warriors Limited is shown as the owner of Reg. Nos. 2,853,483 , 3,001,303 , 2,282,428 , 3,102,767 , 3,008,685 , 3,987,808 , and 4,118,438 per the records of the U.S. patent and Trademark Office.
4. Applicant admits the Opposer’s marks Reg. Nos. 2,853,483 and 2,282,428 are shown in the records of the U.S. Patent and Trademark Office to have §15 declarations on file. Applicant is without knowledge or information sufficient

to form a belief as to the remainder of Paragraph 4 and therefore denies the same.

5. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 5 and therefore denies the same.
6. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 6 and therefore denies the same. Applicant is unaware of Opposer selling anything for oral consumption.
7. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 7 and therefore denies the same.
8. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 8 and therefore denies the same.
9. Denied.
10. Applicant admits that the appearance and sound of the LUSH mark are similar, the remaining allegations of this paragraph are denied.
11. Applicant admits that the appearance and sound of the LUSH mark are similar, the remaining allegations of this paragraph are denied.
12. Denied.
13. Denied.
14. Denied.
15. Denied.
16. Admitted as to effect of registration. Otherwise denied.
17. Denied.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be rejected and that Applicant's mark be allowed to proceed to registration.

Dated this 1<sup>st</sup> day of January, 2014

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. Wells', written over a horizontal line.

Sir Killian Mathew Wells  
15401 Keswick St.  
Van Nuys, CA 91406  
Telephone: (323) 301-3330  
Facsimile: (212) 729-1770  
APPLICANT

**CERTIFICATE OF SERVICE**

I hereby certify that the above and foregoing **ANSWER TO AMENDED NOTICE OF OPPOSITION** was served via email on this 1<sup>st</sup> day of January, 2014, to:

[jclifford@merchantgould.com](mailto:jclifford@merchantgould.com)  
[aavery@merchantgould.com](mailto:aavery@merchantgould.com)  
[dockmpls@merchantgould.com](mailto:dockmpls@merchantgould.com)



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Sir Killian Mathew Wells  
APPLICANT